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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,929	09/30/2003	Rodney B. Kendrick	7784-000652	5150
65961 7590 07/25/2007 HARNESS DICKEY & PIERCE, PLC P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER RANGREJ, SHEETAL	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/674,929

**Applicant(s)**

KENDRICK, RODNEY B.

**Examiner**

Sheetal R. Rangrej

**Art Unit**

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/30/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

***Prosecution History Summary***

1. Claims 1-34 are pending.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 09/30/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "18" and "20" have both been used to designate "External location identification system". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 13-14, 16, 27-28, 30-31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagawa et al. (U.S. Publication No. 2002/0128882).

6. As per claim 1, Nakagawa teaches a method of calculating automobile insurance including a device to monitor a vehicle and communicate with a contracting company comprising:

- acquiring location information of the vehicle with a location system (Nakagawa: para. 0054);
- deriving a cost increment by evaluating at least said location information and a pricing database (Nakagawa: para. 0022; 0025); and .

- transmitting said cost increment to the contracting company, wherein said cost increment essentially consists of monetary information (Nakagawa: para. 0032-0035; para. 0095-0096).

7. As per claim 13, the method of claim 1 is as described. Nakagawa further teaches further comprising providing user access to said cost increment (Nakagawa: para. 0050). The examiner interprets that the user is provided cost increment when the data is being displayed to the user of the car.

8. As per claim 14, the method of claim 13 is as described. Nakagawa further teaches wherein said user access includes at least one of internet web site interface, a phone interface, a customer service interface, and combinations thereof (Nakagawa: para. 0053; para. 0057).

The examiner interprets that the display means is the same as any interface receiving data from a remote location.

9. As per claim 16, Nakagawa teaches a vehicle insurance computation device that is installed in a vehicle and communicates with a contracting company comprising:

- a computation device configured to acquire location information of the vehicle and derive a cost

increment by evaluating at least said location information and a pricing database (**Nakagawa: para. 0053; para. 0061**); and

-a transmitting device to send said cost increment to the contracting company, wherein said cost increment essentially consists of monetary information (**Nakagawa: para. 0053; i.e. on-board radio part**).

10. As per claims 27-28: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in the above rejection of claims 13-14, it is readily apparent that the Nakagawa references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 13-14 and incorporated herein.

11. As per claim 30, Nakagawa teaches a method of determining a cost of insuring a motor vehicle, comprising:

-using a monitoring apparatus located on-board the motor vehicle to at least assist in monitoring an operational factor associated with the vehicle in real time (**Nakagawa: para. 0053; para. 0071**);

-recording information relating to said operational factor (**Nakagawa: 0071**); and

-using said recorded information to determine an incremental insurance cost for said motor vehicle related to a given incremental time period (**Nakagawa: para. 0073**).

12. As per claim 31, the method of claim 30 is as described. Nakagawa further teaches further comprising having an underwriting entity provide the operator with a charge for an insuring said vehicle, based on said incremental insurance cost, for said given incremental time period (**Nakagawa: para. 0050**).

13. As per claim 33, the method of claim 30 is as described. Nakagawa further teaches wherein monitoring an operational factor of said vehicle comprises monitoring at least one of the group of variable comprising:

- a speed of said vehicle (Nakagawa: para. 0072);
- an acceleration of said vehicle (Nakagawa: para. 0072); and
- a deceleration of said vehicle (Nakagawa: para. 0072).

*Claim Rejections - 35 USC § 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-6, 9-10, 15, 17-20, 23-24, 29, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (U.S. Publication No. 2002/0128882) in view of McMillan et al. (U.S. Patent No. 5,797,134).

16. As per claim 2, the method of claim 1 is as described. Nakagawa does not teach further comprising acquiring vehicle information.

McMillan teaches further comprising acquiring vehicle information (McMillan: col. 7, 24 to col. 8, 25).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Nakagawa and McMillan with the motivation that data gathered from the applicant in the interview is not verifiable, and even existing public records contain minimal information, causing a need for an improved system that is more reliable and

accurate in accumulating data that predicts the actual manner of a vehicle's operation

**(McMillan: col. 2, 40-55).**

17. As per claim 3, the method of claim 2 is as described. Nakagawa teaches wherein said cost increment is devoid of at least one of said location information and said vehicle information **(Nakagawa: figure 1; inspection).**

18. As per claim 4, the method of claim 2 is as described. Nakagawa does not teach wherein said location information includes at least one of a geographical location of the vehicle, a duration of time the vehicle is located at said geographical location, a vehicle speed.

McMillan teaches wherein said location information includes at least one of a geographical location of the vehicle **(McMillan: col. 6, 58-62)**, a duration of time the vehicle is located at said geographical location **(McMillan: col. 4, 35-36)**, a vehicle speed **(McMillan: col. 7, 60).**

The motivation to combine the teachings is the same as claim 2.

19. As per claim 5, the method of claim 2 is as described. Nakagawa does not teach wherein said vehicle information includes at least one of a vehicle speed.

McMillan teaches wherein said vehicle information includes at least one of a vehicle speed **(McMillan: col. 7, 60).**

The motivation to combine the teachings is the same as claim 2.

20. As per claim 6, the method of claim 2 is as described. Nakagawa teaches further comprising restricting access to at least one of said location information and said vehicle information **(Nakagawa: para. 0063).** The examiner interprets that access (i.e. collection) of

information is restricted by the insertion of the key. Access to this information is restricted if the key is not within the car.

21. As per claim 9, the method of claim 1 is as described. Nakagawa does not teach wherein said location system includes at least one of a global positioning satellite receiver to determine location and a geographical database configured to be resident on the device.

McMillan teaches wherein said location system includes at least one of a global positioning satellite receiver to determine location and a geographical database configured to be resident on the device (**McMillan: col. 6, 58-62**).

The motivation to combine the teachings is the same as claim 2.

22. As per claim 10, the method of claim 1 is as described. Nakagawa does not teach wherein said pricing database at least includes actuarial statistics.

McMillan teaches wherein said pricing database at least includes actuarial statistics (**McMillan: col. 4, 28-59**).

The motivation to combine the teachings is the same as claim 2.

23. As per claim 15, the method of claim 1 is as described. Nakagawa does not teach wherein transmitting said cost increment includes at least one of establishing a cellular phone connection, establishing a radio connection, establishing microwave communication, establishing a phone connection, establishing an internet connection, and combinations thereof.

McMillan teaches wherein transmitting said cost increment includes at least one of establishing a cellular phone connection, establishing a radio connection, establishing microwave communication, establishing a phone connection, establishing an internet connection, and combinations thereof (**McMillan: col. 6, 62-64**).



The motivation to combine the teachings is the same as claim 2.

24. As per claims 17-20: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of McMillan in the above rejection of claims 2-5, it is readily apparent that the Nakagawa in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 2-5 and incorporated herein.

25. As per claims 23-24: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of McMillan in the above rejection of claims 9-10, it is readily apparent that the Nakagawa in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 9-10 and incorporated herein.

26. As per claim 29: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of McMillan in the above rejection of claim 15, it is readily apparent that the Nakagawa in view of McMillan references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 15 and incorporated herein.

27. As per claim 32, the method of claim 30 is as described. Nakagawa does not teach determining an incremental insurance cost comprises using a cost calculation system and a cost lookup database having actuarial information, in addition to said recorded information.

McMillan teaches determining an incremental insurance cost comprises using a cost calculation system and a cost lookup database having actuarial information, in addition to said recorded information (**McMillan: col. 4, 28-59**).

The motivation to combine the teachings is the same as claim 2.

28. As per claim 34, the method of claim 33 is as described. Nakagawa does not teach further comprising using an external location identification system for assisting in determining a geographic location of said vehicle.

McMillan teaches further comprising using an external location identification system for assisting in determining a geographic location of said vehicle (**McMillan: col. 6, 58-62**).

The motivation to combine the teachings is the same as claim 2.

29. Claims 7-8, 11-12, 21-22, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (U.S. Publication No. 2002/0128882) in view of McMillan et al. (U.S. Patent No. 5,797,134) and further in view of Wright (U.S. Patent No. 6,052,466).

30. As per claim 7, the method of claim 2 is as described. Nakagawa and McMillan do not teach further comprising accessing at least one of said location information and said vehicle information with an access key, wherein said access key consists of at least two passkeys.

Wright teaches teach further comprising accessing at least one of said location information and said vehicle information with an access key, wherein said access key consists of at least two passkeys (**Wright: col. 3, 17-19**).

One of ordinary skill in the art at the time the invention was made would have found it obvious to combine the teachings of Nakagawa in view McMillan with Wright with the motivation that if communication concerns sensitive information that it is common for the parties to employ a security protocol (such as encryption) to prevent the eavesdropper from being able to discover the communicated information (**Wright: col. 1, 14-23**).

31. As per claim 8, the method of claim 7 is as described. Nakagawa and McMillan do not teach wherein a first passkey is retained by a customer and a second passkey is retained by the contracting company.

Wright teaches wherein a first passkey is retained by a customer (**Wright: col. 3, 17-23**) and a second passkey is retained by the contracting company (**Wright: col. 3, 24-28**).

The motivation to combine the teachings is the same as claim 7.

32. As per claim 11, the method of claim 2 is as described. Nakagawa and McMillan do not teach further comprising encrypting at least one of said location information and said vehicle information.

Wright teaches further comprising encrypting at least one of said location information and said vehicle information (**Wright: col. 3, 17-23; col. 5, 27 to col. 6, 2**).

The motivation to combine the teachings is the same as claim 7.

33. As per claim 12, the method of claim 2 is as described. Nakagawa and McMillan do not teach further comprising decrypting at least one of said location information and said vehicle information with an access key, wherein said access key consists of at least two passkeys.

Wright teaches further comprising decrypting at least one of said location information and said vehicle information with an access key, wherein said access key consists of at least two passkeys (**Wright: col. 8, 3-16**).

The motivation to combine the teachings is the same as claim 7.

34. As per claims 21-22: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of McMillan and further in view of Wright in the above rejection of claims 7-8, it is readily apparent that the Nakagawa in view of McMillan and further

in view of Wright references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 7-8 and incorporated herein.

35. As per claims 25-26: As the underlying process has been shown to be fully disclosed by the teachings of Nakagawa in view of McMillan and further in view of Wright in the above rejection of claims 11-12, it is readily apparent that the Nakagawa in view of McMillan and further in view of Wright references includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 11-12 and incorporated herein.

### *Conclusion*

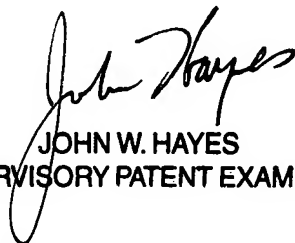
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/20/07

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER